

HOUSE BILL 3151
By Tindell

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 1, Part 2, relative to incorporation of unincorporated territory having a population in excess of one thousand (1,000) adjacent to municipalities having a population of less than ten thousand (10,000).

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-1-201(b)(1)(A), is amended by deleting the first sentence in its entirety and by substituting instead the following language:

Except as provided in subdivision (b)(2), no unincorporated territory shall be incorporated:

(i) If:

(a) The unincorporated territory proposed for incorporation contains less than one thousand (1,000) persons who are actual residents of the territory at the time of the incorporation;

(b) The nearest existing municipality adjacent to such unincorporated territory has a population greater than ten thousand (10,000); and

(c) Any part of such territory proposed for incorporation is included in the urban growth boundary in existence as of December 31, 2003, as defined in § 6-58-101(6), of any existing municipality in the county in which such territory seeks to incorporate;

(ii) Within three (3) miles of an existing municipality having a population in excess of ten thousand (10,000) but less than one hundred thousand (100,000); or

(iii) Within five (5) miles of an existing municipality of one hundred thousand (100,000) or more in population according to the latest census certified by the state planning office.

"Existing municipality" and "existing municipality of one hundred thousand (100,000) or more in population" do not include any county with a metropolitan form of government with a population of one hundred thousand (100,000) or more according to the 1990 federal census or any subsequent census.

SECTION 2. Tennessee Code Annotated, Section 6-1-201(a), is amended by deleting the word "No" from the last sentence of subdivision (1) and by substituting instead the language "Except as provided in subsection (b)(1)(A)(i), (b)(2), (c) or (d), no".

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.